



## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/701,272       |
| Filing Date            | November 4, 2003 |
| First Named Inventor   | Twomey, R. Scott |
| Art Unit               | 3736             |
| Examiner Name          | Unassigned       |
| Attorney Docket Number | 5490-000364      |

### ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication to Technology Center (TC)

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

**Return Postcard**

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                                  |                                    |                    |
|-------------------------|----------------------------------|------------------------------------|--------------------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name<br>Richard W. Warner | Reg. No.<br>38,043 |
| Signature               |                                  |                                    |                    |
| Date                    | November 1, 2004                 |                                    |                    |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |                   |                        |                   |
|-----------------------|-------------------|------------------------|-------------------|
| Typed or printed name | Richard W. Warner | Express Mail Label No. | EV 406 076 405 US |
| Signature             |                   | Date                   | November 1, 2004  |

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EV 406 076 405 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/701,272  
Filing Date: November 4, 2003  
Applicant: Twomey et al.  
Group Art Unit: 3736  
Examiner: Unassigned  
Title: FEMORAL SIZING APPARATUS AND METHOD  
Attorney Docket: 5490-000364

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination of the present application, please consider the following.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 7 of this paper.